

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S

A U G U S T 7, 2 0 0 3

The regular meeting of the City Planning Commission convened Thursday, August 7, 2003, at 1:36pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Charles Greenberg, Randal Hernandez, Lynn Moyer, Nick Sramek, Morton Stuhlbarg, Charles Winn

CHAIRMAN: Nick Sramek

STAFF MEMBERS PRESENT: Fady Mattar, Acting Director
Greg Carpenter, Zoning Officer
Jerry Olivera, Advance Planning
Carolyn Bihn, Planner V
Craig Chalfant, Planner II
Ron Cruz, Planner I
Joe Recker, Planner I

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

Commissioner Greenberg led the pledge of allegiance.

S W E A R I N G O F W I T N E S S E S

M I N U T E S

The minutes of May 15, 2003 were approved on a motion by Commissioner Winn, seconded by Commissioner Moyer, and approved 4-0-2, with Commissioners Greenberg and Hernandez abstaining.

The minutes of June 5, 2003 were approved on a motion by Commissioner Greenberg, seconded by Commissioner Winn, and approved 4-0-2, with abstentions from Commissioners Hernandez and Moyer.

The minutes of June 19, 2003 were approved on a motion by Commissioner Hernandez, seconded by Commissioner Winn, and approved 6-0.

C O N S E N T C A L E N D A R

Item 1B was pulled at the request of an audience member.

Commissioner Moyer moved to continue Item 1A to September 4, 2003, as recommended by staff. Commissioner Hernandez seconded the motion which passed 6-0.

Commissioner Winn moved to approved Item 1C as presented by staff. Commissioner Greenberg seconded the motion, which passed 6-0.

1A. Case No. 0306-10, Site Plan Review, Administrative Use Permit, Conditional Use Permit, Standards Variance, ND 08-03 (certified)

Applicant: Leslie Gentile, Fernald Design Group
Subject Site: 1546 E. Anaheim Street
Description: A Site Plan Review, Administrative Use Permit, Conditional Use Permit and Standards Variance for parking count and fence setback, to construct a new one-story, 6,000 sq.ft. facility for Community Rehabilitation Industries (CRI).

Continued to the September 4, 2003 meeting.

1B. Case No. 0306-04, Conditional Use Permit, CE 03-113

Applicant: John Duff
Subject Site: 425-427 E. Broadway
Description: Conditional Use Permit to allow the on-site consumption of beer, wine and distilled spirits for a proposed restaurant and bar with live entertainment.

Removed to the Regular Agenda.

1C. Case No. CMP-03

Applicant: City of Long Beach
Subject Site: Citywide
Description: The Local Implementation Report and its conformance with the 2003 Congestion Management Program.

Recommended that the City Council adopt a resolution self-certifying the Local Implementation Report and its conformance with the 2003 Congestion Management Program.

REGULAR AGENDA

1B. Case No. 0306-04, Conditional Use Permit, CE 03-113

Applicant: John Duff
Subject Site: 425-427 E. Broadway
Description: Conditional Use Permit to allow the on-site consumption of beer, wine and distilled spirits for a proposed restaurant and bar with live entertainment.

Craig Chalfant presented the staff report recommending approval of the project, since such an adaptive reuse of a building is specifically promoted by PD-30 and the East Village Arts District Guide.

Rod Archer, 734 Miramar, owner representative, stated that they were in agreement with all the conditions of approval.

George Blunt, 200 Elm Avenue, adjacent neighbor, expressed fears that trash, noise and loitering problems at the site would worsen, and asked that security and clean-up conditions be imposed to address these issues.

Mr. Archer noted that the trash enclosure on their side of the property was always kept locked, and that bar patrons would be using Broadway for ingress and egress, not the rear alley in question. Mr. Archer added that he was willing to work with the adjacent residents, and put a security guard on duty evenings and weekends.

Commissioner Winn moved to approve the Conditional Use Permit request, subject to revised conditions to include that the applicant work with the adjacent property tenants to address trash problems. Commissioner Hernandez seconded the motion, which passed 6-0.

CONTINUED ITEMS

The following item was taken out of order:

3. Case No. 0306-27, Standards Variance, Local Coastal Development Permit, CE 03-126

Applicant: Cynthia Seibert et al c/o Bill Ridgeway
Subject Site: 5004-5006 E. 2nd Street

Description: A request for a Standards Variance and Local Coastal Development Permit to allow the retention of non-conforming parking rights following the change of use of a building and the construction of additional floor area without providing additional parking.

Greg Carpenter presented the staff report recommending denial of the requests, since the intent of the nonconforming section of the Code is to provide for the eventual elimination of nonconforming uses and structures; because the reinstatement on non-conforming parking rights to permit the intensification of land uses is inconsistent with this purpose; since the required Variance and Local Coastal Development Permit findings cannot be made; and since the practice of granting variance privileges to unspecified land uses for extended periods of time is inadvisable and inconsistent with the role of the Commission.

Mr. Carpenter also noted that the two Commissioners not present at the last hearing on the item had listened to the tapes of that meeting and read all the pertinent information.

Chairman Sramek and Commissioners Winn and Greenberg added that they had spoken to Bill Ridgeway and Doug Otto regarding the issue. Commissioner Hernandez said he had spoken with Bill Ridgeway and Bill Lorbeer.

Bill Ridgeway, 5633 Sorrento, applicant, summarized the situation, reiterating that this was a non-precedent-setting single-case variance request where the landlord was willing to absorb the substantial loss in rent to allow the hardware store to remain as long as he could retain his grandfathered parking rights and make the improvements requested. Mr. Ridgeway asked for changes to Conditions 20 and 21 to address the term of the extension period and approval by staff instead of the Commission in case of a replacement tenant.

Bill Lorbeer, 5004 E. 2nd Street, site landlord, noted that the large audience had turned out in support of the request, and outlined the offer he had received from a restaurant for a large monthly rent and substantial leasehold improvements that he would be turning down in favor of Billings. Mr. Lorbeer also said that he had received official letters of support from the Parking Committee of Belmont Shore, the Belmont Shore Homeowners Association and the Naples Neighborhood Improvement Association. Mr. Lorbeer also stated he wanted more flexibility in the conditions, specifically 20 and 21, as outlined by Mr. Ridgeway.

Commissioner Winn pointed out that the Commission was trying to make the difficult but necessary findings to grant the request, in the face of strict parking limitations set in place at the request of Belmont Shore residents.

Commissioner Greenberg asked that the formal letters of support from area homeowner, parking and business groups be required as a condition of approval. Mr. Greenberg also expressed disapproval at the last minute barrage of papers submitted by Mr. Otto.

At the request of Commissioners Hernandez and Greenberg, a change was made to Condition #2 to approve the specific retention of 14 spaces.

Larry Goodhugh, P. O. Box 14464, expressed support for the request since it was a lower-intensity parking use than a restaurant would be, and suggested the parking restrictions be examined in light of this dilemma.

Doug Billings, 5308 E. 2nd Street, hardware store owner, noted that they were being evicted from their present location and needed to move quickly, and agreed that their use was very low-traffic since most patrons were on foot. Mr. Billings added that he had received a petition in support of the variance request with over 2500 signatures.

Mike Sheldrake, 3129 Pinewood, Orange, nearby business owner, and chairman of the Belmont Shore Parking and Improvement Advisory Board, stated that the group had unanimously voted in favor of the variance request, and added that they now realized their parking restrictions were proliferating restaurant uses.

Commissioner Moyer explained that to the audience that this was not a popularity issue, but rather that the current code, requested by Belmont Shore residents, had to be followed without showing preferential treatment, and that if such a variance was approved, it could be defended legally.

Commissioner Winn added that the residents had created these ordinances to protect the area, and the findings against the variance were a direct result of these specific rules.

Commissioner Greenberg asked Mr. Sheldrake if he could support a statement that other area property owners should also be allowed to retain their grandfathered parking rights as long as they changed a restaurant use to a retail one.

Mr. Sheldrake agreed that absent a better plan, one way to reduce parking needs by increasing business diversity in the Shore would be to offer similar variances to other retail concerns in the future, examining such requests on a case-by-case basis.

Commissioner Moyer confirmed that Mr. Sheldrake was officially in agreement with this precedent-setting variance, which she felt went against the legislation his group had wanted, and she suggested that if they were willing to change this legislation, the Belmont Shore Parking and Improvement Advisory Board must give their official stamp of approval. She added that the reasons for denial were clearly spelled out as inconsistent and will set a new standard for future applications.

Alex Lopez, 312 Quincy Avenue, Billings customer, spoke in support of the variance requests, saying he felt this was a reasonable exception to the parking restrictions in place.

Joe Matrange, 208 Argonne Avenue, also spoke in support of the applicant, suggesting that a time limit be imposed to address the precedent-setting aspects of the request.

Martha Sexton, 107 Santa Ana Avenue, spoke in favor of Billings, noting that a special allowance should be made for this unique service to the community which could not be duplicated.

Trish Edwards, P. O. Box 30582, agreed with Ms. Sexton and added that Billings had a long history in the area.

Wavell Anne Albrecht, 226-A Granada, expressed appreciation for the efforts made on behalf of the Billings family.

Tom Fenholt, 182 Claremont Avenue, local church pastor, also expressed support for the Billings family.

Jan Wallech, 144 Glendora Avenue, also spoke in support of Billings, adding that she felt a case could be made for hardship on the part of the landlord, with the unique aspect based on the special services provided to area homeowners by the business.

Louise Raya, 6406 E. Bayshore Walk, agreed that the business was uniquely needed, and suggested the conditions of approval be tailored to Billings or made temporary to negate the precedent-setting aspect, and that there were no special privileges being granted when the landlord was taking such a huge financial loss.

Michael Gavin, 60 Pomona Avenue, spoke in support of Billings, and feels this case-by-case examination of the facts would not create a precedent-setting decision.

Roberta Cline, 8234 Marina Pacifica Drive North, agreed, and added that the official support already received from area homeowner, parking and business associations alone would keep the issue from being precedent-setting.

Nancy Buchanan, 36 La Verne, expressed support and said she felt a variance in this case was appropriate given the community support.

Sue Schrickel, 1335 E. Appleton Street #7, area Realtor, agreed with all the previous speakers.

Vicky Pell, 208 Park Avenue, agreed with the speakers.

Gary Abston, 16681 Green Street, said that there were always exceptions to the rule, and this was it.

Carlene Anderson, 7 Rialto Canal, Naples, agreed that the situation was unique, and echoed Ms. Raya's statements.

Charles Rabago, 101 Claremont Avenue, expressed support for the Billings request.

Doug Otto, Long Beach, applicant representative, outlined the findings he had crafted, noting that he felt these findings could be logically made and legally defended. Mr. Otto pointed out that the property owner would be experiencing a severe financial hardship in allowing this unique service, and added that the precedent-setting aspect could be addressed by strictly conditioning a distinctive approval of the variance as an interim use for a fixed period of time.

Commissioner Moyer said that she had no problem with granting the variance for the mezzanine, but that maintaining the vested virtual parking spaces for the future was the dilemma, and she asked Mr. Mais to comment on defensibility of the staff's findings.

Mr. Mais said that any court would look at the staff report, public testimony and facts to support the uniqueness of this particular property and that probably the City would prevail.

Commissioner Moyer added that it would seem that the landowner was being granted a special privilege unless it was noted that he would be suffering financial hardship, language she felt should be added to the second finding.

Mr. Otto said he felt that language requiring Commission approval of future floor plans for the space would be burdensome to the landowner, and asked that Commission approval only be required if the use was to be intensified. Mr. Otto also said he felt the location was a physically unique condition that would satisfy the requirement for a Standards Variance.

Commissioner Greenberg remembered that the Belmont Shore residents had clamored for the adoption of the parking code now under fire, and that they had specified that there be no variances, and no way of getting out of any parking-intensive uses. Mr. Greenberg noted that the unintended consequences of their successful campaign was this difficult dilemma of financially encouraging the proliferation of restaurant uses. Mr. Greenberg suggested that the community, along with landlords, take a long-term look at the ordinance and decide if the basic idea should be changed to encourage landowners to rent to retail rather than to restaurant uses.

Commissioner Greenberg said that in order to address the precedent-setting aspects of the issue, the unusual loss of commercial value of the property and financial hardship to the landlord would have to be noted along with the lessening of parking demand with the requested use. Mr. Greenberg suggested crafting a time-limited variance for the life of the retail use, with a removal of the grandfathered parking rights a year after the retail use was over; plus noting of the physical uniqueness of the hardware use, and its context as a preexisting historical business.

Commissioner Greenberg then moved to approve the Standards Variance with revised conditions including changes to 20 and 21, and to approve the Local Coastal Development Permit.

Commissioner Winn asked that the official Belmont Shore Parking and Improvement Advisory Board support of the item be included as a condition of approval, along with the maximum of 14 spaces. Commissioner Moyer added that the specific time limit be noted as a retail use on this lease for a maximum of 16 years. Commissioner Greenberg added that he hoped the community would clean up this law in the meantime.

Mr. Lorbeer asked if he could come back for administrative approval on lease extensions. Mr. Mais stated that such discretion would be within the purview of the Commission, not the Zoning Administrator. Mr. Otto asked that it be designated to come back as a modification, not a new item, in that case.

Commissioner Winn seconded the motion.

Commissioners Moyer and Hernandez thanked the Billings family for their years of community service. Ms. Moyer added that she wanted a letter to the Belmont Shore Parking and Improvement Advisory Board with recommendations to consider this problem and look to making a change in the code to reflect community interest in allowing lesser uses and encouraging landlords to rent to more diverse businesses.

The question was called, and the motion passed 6-0.

2. Case No. 0304-23, Conditional Use Permit, CE 03-74

Applicant: Isidro Cisneros
Subject Site: 1530 W. Cowles Street
Description: Conditional Use Permit request to establish used car and truck sales at an existing major auto repair facility.

Ron Cruz presented the staff report recommending approval of the request, since it complies with all development standards and would not be detrimental to the surrounding community.

Maribel Cisneros, 1530 W. Cowles Street, in response to a query from Commissioner Hernandez, explained that sales were limited and that auto display was on the property only.

Lee Adams, 1724 Santa Fe Avenue, coordinator of the Westside PAC, stated that they were against the proposal because the applicants had not yet addressed their PAC, and asked that the request be continued to allow a meeting and review on the issue.

Commissioner Hernandez noted that the item had already been continued, and that the PAC should have asked for a meeting earlier in the process.

Ms. Cisneros confirmed that they were unaware of the area PAC, but agreed in response to a request from Commissioner Greenberg

that if their request was approved, they would work out any issues with the PAC.

Commissioner Hernandez moved to approve the Conditional Use Permit, subject to conditions. Commissioner Winn seconded the motion.

Chairman Sramek objected, stating that he felt the PAC should have a look at the project before it was approved by the Commission, and Commissioner Hernandez opined that the PAC had an opportunity to address the issue earlier, but failed to do so, and that the applicant had already addressed previous staff and Commission suggestions.

The question was called, and the motion passed 4-1, with Commissioner Sramek dissenting. Commissioner Moyer had left the meeting.

4. Case No. 0306-23, CE 03-127

Applicant: Fady Mattar
Subject Site: Citywide
Description: Proposed Zoning Code amendments relating to computer arcades and outdoor sales events.

Joe Recker presented the staff report recommending adoption of the proposed Zoning Code amendments.

Commissioner Greenberg moved to recommend that the City Council adopt the proposed Zoning Code amendments. Commissioner Stuhlbarg seconded the motion, which passed 5-0. Commissioner Moyer had left the meeting.

R E G U L A R A G E N D A

5. Case No. 0305-17, Administrative Use Permit, Standards Variance, Vesting Tentative Tract Map, Site Plan Review, ND 15-03

Applicant: Bozena Jaworski, RPP Architects
Subject Site: 1100 E. 3rd Street
Description: Request for approval of an Administrative Use Permit, Standards Variance, Vesting Tentative Tract Map No. 060092, and Site Plan Review to convert the Ebell Theater to a residential condominium project with eleven units.

Carolynne Bihn presented the staff report recommending approval of the applications, since the adaptive reuse of the Ebell would help preserve the exterior elements of an historic building, and add owner-occupied residential dwelling units to the housing supply. Ms. Bihn noted a small change to the allocation of tenant vs. guest parking spaces.

Commissioner Stuhlbarg stated that he had dealt with the Granite Group in the past, but that there was no conflict of interest.

Commissioner Greenberg also noted that he had represented the applicant many years before but also saw no current conflict of interest, and Deputy City Attorney Mais agreed.

Commissioners Winn and Hernandez stated that they had talked to Mr. Bellevue.

Robert Bellevue, 6018 E. Bayshore Walk, applicant representative, noted that all of the people who came to speak in support, including representatives from the area homeowners association and neighborhood watch, had left due to the lateness of hour. Mr. Bellevue added that his project was overparked to code.

Brian Ulaszewski, 762 N. Toledo Walk, area resident, spoke in support of the project, stating that this adaptive reuse would be of an historically contributing nature with plenty of amenities on site, adding value to the neighborhood.

Commissioner Winn moved to review and consider the material contained in Negative Declaration No. 15-03, and to approve the Administrative Use Permit, Standards Variance, Vesting Tentative Tract Map No. 060092 and Site Plan Review, subject to conditions revised to address parking space allocation. Commissioner Hernandez seconded the motion, which passed 5-0. Commissioner Moyer had left the meeting.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

M A T T E R S F R O M T H E D E P A R T M E N T O F P L A N N I N G A N D B U I L D I N G

Mr. Mattar outlined City Council activities, which included the continuing moratorium on self-storage facilities, and the denial of a two-unit conversion previously approved by the Commission.

Mr. Mattar also noted that regarding PacificCenter, the design team has prepared a very preliminary draft master plan.

**M A T T E R S F R O M T H E P L A N N I N G
C O M M I S S I O N**

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 3:40pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk